

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

G.K., by their next friend, Katherine Cooper,  
et al.

*Plaintiffs,*

v.

Christopher Sununu, in his official capacity  
as the Governor of New Hampshire, et al.

*Defendants.*

**Case No. 1:21-cv-0004**

**DEFENDANTS’ ASSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE  
MOTION TO EXCLUDE PLAINTIFFS’ EXPERT TESTIOMNY AND REQUEST FOR  
EXPEDITED TREATMENT IN LIGHT OF JUNE 13, 2023, DEADLINE**

Defendants, by and through their counsel, hereby request an extension of time to file their Motion to Exclude Plaintiffs’ Expert Testimony (*see* ECF Nos. 152-2–152-17) under Fed. R. Civ. P. 702 for the following reasons:

1. On March 31, 2023, Plaintiffs filed their Motion for Class Certification, Memorandum in Support of the same, subsequent declaration in support of the same, and a total of 48 exhibits, including at least 16 exhibits containing expert materials. ECF Nos. 152-153. Plaintiffs filed materials for four expert witnesses, amounting to more than 1,000 pages in expert materials alone. *See* ECF Nos. 152-2–152-17.
2. Local Rule 7.2(b) requires parties to file a “motion to strike material offered in support of . . . a motion . . . within fourteen (14) days of the filing of the motion . . . to which the objected-to material is attached.”

3. Defendants plan to file a Motion to Exclude Plaintiffs' Expert Testimony, and do not understand it to be a "motion to strike" as contemplated under the Local Rules. *See* Local Rule 2.3(h) (concerning "striking . . . inappropriately filed document[s]" from the docket). Defendants are not seeking to strike the expert reports from the docket, but rather are requesting that the Court find that testimony inadmissible. As a result, Defendants do not understand the 14-day deadline to apply here.
4. Moreover, Defendants believe that the deadline to submit the Motion to Exclude Plaintiffs' Expert Testimony is governed by the Court's Order on the parties' Joint Motion to Extend the Briefing Deadline for Class Certification (*see* ECF. No. 158), which sets June 13, 2023, as the deadline for Defendants to respond to Plaintiffs' Motion for Class Certification.
5. However, out of an abundance of caution, Defendants submit this Motion for Extension of Time to ensure Defendants may file their Motion to Exclude on June 13, 2023.
6. Plaintiffs assent to the relief requested by this motion. L.R. 7.1(c).
7. Expedited consideration of this motion is warranted given the upcoming June 13, 2023, deadline to reply to Plaintiffs' Motion for Class Certification.

WHEREFORE, Defendants respectfully requests that this Honorable Court:

- A. Grant this motion and allow Defendants to file a Motion to Exclude Plaintiffs' Expert Testimony on June 13, 2023; and
- B. Grant such other and further relief as justice requires.

June 7, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent by ECF on June 7, 2023, to counsel of record.

Dated: June 7, 2023

/s/ Philip J. Peisch  
Philip J. Peisch  
*Attorney for Defendants*